

**Declaration of Covenants
and Restrictions for
Buildings and Structures of
Waukesha County Airport**

**SW HANGAR AREA
DEVELOPMENT**

January 26, 2000

Table of Contents

	Page
1. Description of SW Hangar Development Area	3
2. Use of Airport District	3
3. Structures and Improvements	4
4. Setbacks	4
5. Abutting Public Right-of-Ways	4
6. Building Height	4
7. Minimum Structure Area	4
8. Minimum Lot Size	5
9. Parking	5
10. Apron and Pad Standards	5
11. Drainage	5
12. Accessory Structures	5
13. Refuge	5
14. Exterior Storage	6
15. Open Sided Structures	6
16. Alterations	6
17. Antennas/Satellite Dishes	6
18. Walks	6
19. Fencing	6
20. Utilities	6
21. Sign Standards	7
22. Building Drawing	7
23. Timber Columns	7
24. Protective Liner (optional)	7
25. Roofing and Siding Panel Finish	7
26. Steel Wainscot	8
27. Steel Panel Attachment and Length	8
28. Metal Trim	8
29. Gutters and Downspouts	8
30. Roof Overhang (for roof pitches greater than or equal to 1 in 12)	8
31. Flat Roofs (for roof pitches less than 1 in 12)	8
32. Bi-Fold Door Openings	8
33. Bi-Fold Door Requirements	9
34. Exterior Lighting	9
35. Exterior Materials	9
36. Development on Lots 2301-2305 and 2341-2347	9
37. Plan Submittal	9
38. Restrictions Run with Land	10
39. Enforcement	10
40. Conformance to Laws	10
41. Variance	10
42. Federal, State, and Local Regulations	10
43. Invalidity	10
APPENDIX A (Description of Hangar Development Area)	12

Declaration of Covenants and Restrictions for Buildings and Structures of Waukesha County Airport

The undersigned, Waukesha County, a municipal government, in order to impose a common plat of covenants and restrictions with respect to the SW Hangar Development Area (referred herein as the Airport District), for the mutual benefit of Waukesha County and present and future lessees of lots in the SW Hangar Development Area, hereby declares and provides that all lots and buildings are subject to the following covenants, restrictions, and conditions. It shall be understood that all specifications and covenants established herein shall be considered minimum standards to be met by all contractors, developers, and those interested in development in the SW Hangar Development Area. The Commission, for the purpose of this document, shall be the Waukesha County Airport Commission, a body formed by the Waukesha County Board as may exist from time to time to govern the Waukesha County Airport. Lessee, for the purpose of this document, shall be any individual, group, organization, business, or corporation which desires to construct a hangar facility at the Waukesha County Airport in the SW Hangar Development Area.

The Lessee agrees to accept the leased premises in its present condition and without expense to the County, will maintain any installations thereon. Where any building material or specification is identified by type, it shall be understood to be that material or specification, or an equivalent. Where submittals to the Airport Commission or City of Waukesha are identified, it is understood that those submittals are to be approved by the Airport Commission and/or City of Waukesha. Where the term "or equivalent" appears, the Airport Commission shall determine equivalency. If the Airport Commission and Lessee do not agree on equivalency, the City of Waukesha Plan Commission shall make a final determination. No occupancy of any hangar building shall be permitted before the hangar is completed, and an occupancy permit issued. It shall be noted that hangar construction will be required to comply with a higher architectural standard for lots 2301-2305 and 2341-2347 which are visible from Northview Road and Aviation Drive.

1. Description of SW Hangar Development Area

The land subject to this declaration is situated in Waukesha County, State of Wisconsin, and generally described as: a parcel of land located north of Northview Road, west Taxiway Bravo, south of the aircraft parking ramp (south ramp as extended), and east of Aviation Drive, indicated on Appendix A, attached hereto and made part hereof.

2. Use of Airport District

The following uses/development shall be permitted:

- a. Airport taxiways, taxilanes, aircraft parking aprons/ramps, and auxiliary roads;
- b. Individual unit hangars;
- c. Multi-unit hangars;
- d. Signage and directional aids;
- e. Automobile parking;
- f. Security fencing; and
- g. All other related auxiliary and/or accessory facilities.

3. Structures and Improvements

No building or any improvement shall be erected, placed, or altered on any building site in this area until the plans for such building or improvement, including site plan, landscape plan, building plans and specifications have been approved by the Waukesha County Airport Commission and Waukesha City Plan Commission. Said commissions shall approve or disapprove such plans with respect to conformity with these restrictions and other applicable enactments of the County and with respect to harmony of external design and land use as it affects property within and adjacent to this area. Building plans and specifications shall be in compliance with all County, State, and City of Waukesha laws and ordinances.

No building or structure shall be used as a place of residence. No building shall be undertaken without receiving a building permit from the City of Waukesha.

4. Setbacks

No part or portion of any building shall be erected, constructed, or extend nearer than a distance from the centerline of any taxiway or nearer than a distance from the paved edge of any runway shown on the County's Airport Layout Plan (ALP). The County will determine for Lessee any setback distances required from any taxiway. Additionally, all buildings shall have a minimum setback of twenty-five (25) feet from the public right-of-way. Sideyard and rearyard setback shall be a minimum of ten (10) feet for those parcels which abut other parcels.

The setback area shall be entirely graded and sodded or seeded between the lot lines and from the taxiways/runways to the building face in a manner that will produce an acceptable lawn, excepting only such areas as may be required for aprons, driveways, parking, or walks.

5. Abutting Public Right-of-Ways

When parcels are adjacent to public right-of-ways or located at the perimeter of the Airport District, a planting strip at least twenty-five (25) feet in depth shall be provided adjacent to such properties. This strip shall be planted with trees and shrubs, and the building of structures thereon shall be prohibited. For the purpose of this part, structures shall be any construed as any man made object not specifically associated with, or for the benefit of such plantings. The location of these plantings shall be approved by the County of Waukesha so as to provide safe sight distances. Additionally, the plantings shall be approved by the City of Waukesha and shall meet or exceed all applicable City planting standards. It is the intent of this part to highly promote aesthetic standards regarding landscaping along and around public right-of-ways.

6. Building Height

All buildings and structures shall receive from the Federal Aviation Administration, or its successor agency, a determination that the building/structure is not identified as an obstruction under any standard of FAR Part 77, Subpart C, as well as the Waukesha County Height Limitation Zoning Ordinance, and would not be a hazard to air navigation.

7. Minimum Structure Area

No part or portion of any building shall have less than the following square feet of area, per hangar, unless otherwise shown on an Airport Commission approved hangar lot:

- a. Individual unit hangar: 3,600 square feet.
- b. Multi-unit hangars: 8,400 square feet.
- c. Other facilities: Minimum size shall be approved by the Waukesha County Airport Commission.

8. Minimum Lot Size

No building or structure of any type shall be erected, constructed, or placed on any lot which has less than 7,760 square feet of total area.

9. Parking

The number of parking stalls required for the specific intended use shall be submitted with construction plans. This submittal shall include a description indicating where these vehicles will be parked. No construction equipment shall be stored on any lot except during periods of construction. Areas provided for parking shall be surfaced with hot-mixed asphalt or concrete. No cars or other vehicles will be permitted to be parked on lawns or yards.

10. Apron and Pad Standards

Apron areas shall be surface with a minimum of 2-inch bituminous paving over a finished and compacted 6-inch gravel base. All hangar floor pads shall be of a minimum four inch (4") poured concrete. All aprons shall provide positive drainage to prevent ponding or standing water. Apron and floor pad thicknesses shall be indicated on submitted plans.

11. Drainage

Drainage plan shall be submitted indicating drainage flow and contours/elevations. Drainage shall not impact negatively adjacent properties and shall flow into Airport District natural or developed drainage. The elevation of the lot shall not be changed so as to materially affect the surface elevation or grade of the surrounding lots.

Drainage from roofs shall not create erosion or affect adjacent properties. Perimeter roof drainage with gutter and downspouts. Roof drainage shall be indicated on plan submittal. A soil erosion control plan shall be submitted.

12. Accessory Structures

All required accessory structures shall be indicated on plan submittals. Accessory structures for this part shall be any structure other than the hangar building itself, which is intended to be located in place for more than six (6) months. Accessory structures shall match primary structure in design and materials. Approval of accessory structures shall be by the Waukesha County Airport Commission and City of Waukesha.

13. Refuge

No storage or piling of waste and refuge shall be permitted outside the building.

14. Exterior Storage

Storage of all materials and equipment outside buildings shall be prohibited. Screened storage areas shall be prohibited.

15. Open Sided Structures

All structures shall be fully enclosed. No open sided structures shall be permitted.

16. Alterations

No alterations to the exterior appearance of existing buildings shall be made without the approval of the Waukesha County Airport and City Plan Commissions. This shall include site work alterations.

17. Antennas/Satellite Dishes

All required antennas, satellite dishes, and similar equipment, shall be indicated on plan submittals. Any antenna, satellite dish, or similar equipment that is desired to be installed after initial approval of Lessee's facility shall receive Commission approval prior to installation. No equipment shall be allowed that will interfere with existing or future airport operations.

18. Walks

All pedestrian sidewalks shall be constructed of concrete. Bituminous asphalt, dirt, and gravel walks shall be prohibited.

19. Fencing

Required fencing shall be indicated on the plan submittal. Submittal shall include information such as location, gates, height, materials color, and other design considerations. Fences must be maintained and accepted for good appearance. Fence shall not be permitted adjacent to taxiways, runways, or airport operated aprons. The County reserves the right to install security fencing and gates on or across Lessee's leased premises at any time without interference by Lessee.

20. Utilities

Extension of utilities to proposed facilities shall be the responsibility of the owner. All plan submittals shall include sufficient detailed information on all utility designs and design loads, and work shall not be permitted until approved by the Airport Commission. Submittal shall indicate above ground utilities such as, but not limited to, condensers and transformers.

Sewer, gas, water, electric, and communication utilities shall be located underground. It is the responsibility of the Lessee to restore all disturbed areas, including pavement and grass areas.

21. Sign Standards

All sign requirements shall be submitted to the City Plan Commission for review and approval prior to construction or installation. The Airport Commission shall also review and approve sign requests in regards to Airport operational considerations.

22. Building Drawing

The drawings furnished to the Airport Commission are to indicate the intent of the Lessee as to the type of building construction desired; the dimensions shown on the floor plan drawing and the building height dimension shown on the drawings shall not be changed without approval by the Airport Commission. These drawings shall include, but not be limited to an architectural view of the four building sides. Before the Commission approves a building, the Lessee shall submit to the Airport Commission for evaluation, a complete set of plans and specifications for the building he has proposed to construct. The submittal shall bear the seal of a Professional Engineer or Architect, Registered in the State of WISCONSIN, thereby certifying that the structural design of the building fulfills the requirements of (1) this document, (2) 30 pounds per square foot live roof load, and (3) 20 per square foot wind load.

Minimum Specifications for Steel Buildings

Sections 23 to 29 that follow are minimum specifications for steel hangar buildings. All other types of construction shall be reviewed and approved on a case by case basis; however, all buildings, steel or others shall meet or exceed the standards identified herein pertaining to all hangar structures.

23. Timber Columns

The structural nail laminated timber columns shall be No. 1 or better southern yellow pine, kiln dried to 19% moisture content. The timber columns shall be accurately placed and set on poured in place redi-mix concrete pads. There shall be a column base anchor of galvanized steel rod or galvanized steel angle attached up from bottom of timber columns to anchor column to concrete footing.

24. Protective Liner (Optional)

36" protective liner consists of 32" high 5/8" plywood inset into exterior baseboard and first side nailer. Plywood is directly behind wall covering to provide damage resistance and shall be installed on complete perimeter of building, except for bi-fold door(s).

25. Roofing and Siding Panel Finish

Steel and masonry wall construction is acceptable for hangar construction. Manufacturers of metal products will guarantee the surface for twenty (20) years. Field finishes will not be acceptable for initial construction. Flat roofs should be ballasted EPDM (rubber) as a minimum and be 30 pound snow rated or better.

26. Steel Wainscot

Steel wainscot panels shall be supplied from same quality material as wall panels. A die-formed metal flashing must be applied to make transition from wainscot panel to upper wall panel. Transition flashing shall be same color as upper wall panel. Color of wainscot panel shall be selected by owner and approved by the Airport Commission.

27. Steel Panel Attachment and Length

The steel panels shall be fastened to building framing with galvanized, EPDM washered ring shank nails or screws as equivalent. The side and end sheets shall be one piece from the base trim to the roof. Rib panels shall conform to Architectural Series standards.

28. Metal Trim

Trim for corners, gables, base and fascia shall be die-formed steel from the same quality material as the siding panels. Color of the trim shall be selected by owner and approved by the Airport Commission.

29. Gutters and Downspouts

Gutters shall be 5" Outside Gutter (O.G.), properly sized, and shall be installed on both sides of the building, and provide 3"x 4" downspouts and elbows as required for proper drainage. Proper drainage shall include, but not be limited to the prohibition of water draining on any area of pavement. Gutters and Downspouts shall be factory finished. Color of gutters and downspouts to be selected by owner and approved by the Airport Commission.

30. Roof Overhang (for roof pitches greater than or equal to 1 in 12)

Vent-a-ridge shall be used at ridge of building in conjunction with a 24" wide overhang on all sides except for the hangar rear (non-hangar door side), with underside of overhang finished with pre-finished vented aluminum soffit, as manufactured by Alcoa Building Products (or equivalent). Color of vent-a-ridge and aluminum soffit shall be selected by owner and approved by the Airport Commission.

Soffit and vent-a-ridge to have equivalent amount of free air opening and installed with proper filler strips, weatherseals, and connectors.

31. Flat Roofs (for roof pitches less than 1 in 12)

For flat roof systems, a parapet wall across the front of the hangar (hangar door side) is required. The parapet wall shall extend the entire length of the hangar front.

32. Bi-Fold Door Openings

Bi-fold door openings shall be as a minimum 40'-0" wide x 12'-0" high clear opening. Openings shall be trimmed with same quality materials as siding panels so there is no exposed wood.

33. Bi-Fold Door Requirements

- a. POWER OPERATOR - Electrical controls for any electronic bi-fold door shall be designed to meet National Electrical Code Section 513. Bi-Fold power activated doors to be approved by the Airport Commission.
- b. WIND LOAD - All bi-fold doors shall meet or exceed national windload standards.

34. Exterior Lighting

Exterior lighting shall be located on the building. Lighting shall illuminate building exterior sufficient for safety and security. Cut-off type light fixtures shall be used to prevent disturbance of airport operations. All exterior lighting shall be high pressure sodium and shall not create a vision hazard to aircraft movement or persons on foot. Plan submittal shall include exterior lighting information including location.

35. Exterior Materials

Building colors shall be approved by the Waukesha County Airport Commission. All building colors shall be earth tones with color sample(s) provided with the hangar plan submittal. Plan submittal shall include building elevations, material descriptions, color distribution, and color samples. Building glazing shall not cause glare or reflectors that will interfere with airport operations or ground circulation.

36. Development on Lots 2301-2305 and 2341-2347

Roof Line - A double gabled roof will be employed to improve the overall appearance of the building (see hangar 682 Northview Road for an example of acceptable design/construction).

or

Flat Roof - Less than 1 in 12 pitch, the use of E.F.I.S, masonry, or brick shall be integrated on side pannels and around hangar door openings (see hangar 684 Northview Road for an example of acceptable design/construction).

Dormers - Dormers will be placed over rear walk doors to add architectural highlights.

Landscaping - landscaping shall be employed to provide some screening of the structure and associated parking.

37. Plan Submittal

Two sets of plans shall be submitted to the Waukesha County Airport Commission through it's Airport Manager for review and approval a minimum of one (1) week prior to an Airport Commission meeting in which submitted plans are to be discussed. Documentation shall include information aforementioned and shall include, but not be limited to, site plan, floor plan, roof plans, foundation and structural plans, elevations, wall sections, material selections, and other material necessary to describe intended use.

38. Restrictions Run with Land

The declaration of covenants and restrictions for buildings and structures at Waukesha County Airport shall be run with the land and be binding to all parties and all persons on Airport District property for a period of ten (10) years from the date this declaration is recorded, after which time said covenants and restrictions shall be automatically extended for successive periods of ten (10) years each, unless an instrument approved by the Waukesha County Board of Supervisors has been recorded, agreeing to change, modify, or amend said covenants and restricts in whole or in part.

39. Enforcement

The enforcement of the covenants and restrictions contained herein shall be by those procedures and processes described in the lease agreement between lessee and Waukesha County.

40. Conformance to Laws

All buildings constructed, erected, or placed on any lot shall conform to all governmental zoning and use requirements.

41. Variance

The Waukesha County Airport Commission, with concurrence of the City Plan Commission, shall consider and may grant a variance to a covenant, restriction, or condition. Variable conditions must be fully explained including reasons why property cannot conform to the aforementioned.

42. Federal, State, and Local Regulations

Buildings and structures shall comply with all federal, state, and local requirements.

43. Invalidation

Invalidation of any one of these covenants or restrictions contained within this declaration of covenants and restrictions, by judgement or court order, shall in no way affect any of the other provisions hereof which shall remain in full force and effect.